
POLICY

The Michigan Department of Health Human Services (MDHHS) affirms its commitment to creating a work environment for all employees that is free from, and prohibits, all forms of discriminatory harassment.

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

Prohibited discrimination may take several forms, including discriminatory harassment. MDHHS has an obligation to investigate reports of discriminatory harassment and to take prompt and appropriate remedial action if necessary. To protect the interests of all involved, confidentiality shall be maintained to the extent practicable and appropriate under the circumstances. MDHHS will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation of discriminatory harassment allegation will not be subjected to retaliation. MDHHS will also take appropriate steps to assure that a person against whom such an allegation is made is treated fairly.

DEFINITIONS

The Civil Service Commission Rules define discriminatory harassment as follows:

Discriminatory harassment means unwelcome advances, requests for favors, and other verbal or physical conduct or communication based on race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy under any of the following conditions:

- Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.

- Submission to or rejection of the conduct or communication by a person is used as a factor in decisions affecting the person's employment.
- The conduct or communication has the purpose or effect of substantially interfering with a person's employment or creating an intimidating, hostile, or offensive employment environment.

Examples of types of behavior that constitute discriminatory harassment include, but are not limited to:

Quid Pro Quo (This for That)

When a supervisor or manager makes employment decisions based on an employee's acceptance or rejection of unwelcome behavior.

Hostile Environment

When a co-worker, employee, supervisor, manager, or non-employee engages in actions that are offensive, hostile, and/or intimidating and that interferes with an employee's ability to do his or her job.

Verbal

Comments, innuendos, insults, threats, sexual propositions, jokes, negative stereotypes or degrading words regarding an individual's religion, race, color, national origin, age, sex, (to include sexual orientation and gender identity or expression), height, weight, marital status, partisan considerations, disability, or genetic information.

Visual

Posters, signs, calendars, cartoons, magazines, books, or other objects/symbols that degrade an individual's race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

Sexual Harassment

- Sexually suggestive physical contact or behavior, such as grabbing, groping, kissing, fondling, rubbing or massaging

someone's neck or shoulders; stroking someone's hair; unwelcome leering, whistling, pinching, or brushing against the body; suggestive, insulting, or obscene comments or gestures.

- The display in the workplace of sexually suggestive or explicit objects, pictures, posters or cartoons including, but not limited to, offensive electronic communications or voicemail messages, or access to pornographic images through the Internet or email.
- Verbal abuse of a sexual nature including foul or obscene language; lewd, off-color, sexual jokes; or any graphic verbal commentary about an individual's body.
- Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.
- Submission to or rejection of the conduct or communication by a person is used as a factor in decisions affecting the person's employment.
- The conduct or communication has the purpose or effect of substantially interfering with a person's employment or creating an intimidating, hostile, or offensive employment environment.

REPORTING REQUIREMENTS

Send a MDHHS-5519, Discriminatory Harassment Complaint Report, to the labor relations manager if any of the following circumstances exists:

1. If an employee is harassed or witnesses the discriminatory harassment of someone else, the employee must report the behavior to a supervisor or the labor relations manager.
2. If the employee is harassed or witnesses the discriminatory harassment of someone else by the employee's own supervisor, the employee must report the conduct to a higher-level supervisor or labor relations.
3. The employee is encouraged to report any discriminatory harassment immediately. The employee is required to submit a report within 180 calendar days of the alleged harassment.

PROCEDURES**Employee**

4. Reports harassment towards self or when witnessed of another employee or client within 180 calendar days of alleged harassment via the MDHHS-5519 to MDHHS-DiscriminatoryHarassment@michigan.gov.

Supervisor

5. For those instances where the report of harassment is made to an immediate supervisor, immediately informs labor relations manager of the complaint.

**Discriminatory
Harassment
Investigator**

6. Investigates all complaints and recommends appropriate action.

Reporting Other Types of Discrimination - If an employee becomes aware of improper discrimination other than discriminatory harassment, the employee may use the procedures provided in this policy to report the discrimination.

REFERENCES

MDHHS-5519 Discriminatory Harassment Complaint form
Civil Service Rule 1-8, Prohibited Discrimination
Civil Service Regulation 1.03 Investigating Reports of Discriminatory Harassment
Exclusively represented employees refer to applicable collective bargaining agreements.